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| 09/835,559  | 04/17/2001  | Mark T. Corl           | 8763.138.00         | 5910             |
| 30827 7590 03/24/2008<br>MCKENNA LONG & ALDRIDGE LLP<br>1900 K STREET, NW<br>WASHINGTON, DC 20006 |             |                        |                     |                  |
| EXAMINER<br>HUYNH, SON P  |             |                        |                     |                  |
| ART UNIT<br>2623  |             | PAPER NUMBER           |                     |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/835,559

**Applicant(s)**

CORL, MARK T.

**Examiner**

SON P. HUYNH

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 January 2008.  
2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-22 and 27 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-3, 5-22 and 27 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 21 February 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notices of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-3, 5-22, 27 have been considered but are moot in view of the new ground(s) of rejection.

Note: application No. 08/938,028 (US 2003/0066085 A1 - referred as Boyer), Application No. 09/186,598 (US 6,820,278- referred as Ellis), Application No. 09/356,268 (copy provided upon request) – referred as Rudnick,.... are incorporated by references in their entirety in Knudson (US 6,526,577 B1 – referred as Knudson) – see include, but are not limited to, Knudson: col. 7, lines 1-5, lines 37-40, col. 12, lines 13-17...), therefore, these applications, and other applications incorporated by references, in their entirety are treated as part of the text of Knudson (see M.P.E.P 2163.07 (b) [R-3]).

Application argues Knudson may disclose a graphic logo, Knudson clearly fails to disclose or suggest "a code specifying a data type of a logo graphic to be displayed on a display screen" because the logo 519 as shown in Figs. 9-19 can be generated without having any code identifying the data type of the logo 519. Thus, it would be unreasonable to conclude that the program guide data inherently contains code

specifying a data type of a logo graphic merely because the program guide screen contains the logo graphic 519 (page 12, paragraph 2).

In response, the Examiner agrees with Applicant that logo graphic 519 or logo 219 can be generated without having any code identifying the data type of the logo graphic **ONLY** if the logo graphic is on paper (for example, either printed television program guide schedule on newspaper or the user uses the pen/pencil to draw a logo graphic), which is not applied to Knudson. Knudson discloses a computer-based system and the interactive program guide is created and displayed by a computer using program guide information, program guide information applications, associated software, etc. The interactive program guide may **run** on user television equipment or server. The user can select interactive icon on the screen to access associated information. The information on the interactive program guide includes logo graphic 519, 219 (see include, but are not limited to, figures 6,8-19, col. 3, lines 5-13, col. 4, lines 47-57, col. 5, lines 11-22, lines 61-67, col. 6, line 66-col. 7, line 11, col. 8, lines 30-36, col. 9, lines 59-67; Rudnick: figure 4d). Since program guide run on a computer/user television equipment, and the computer uses the program guide information, program guide information application, associated software, etc. to create the interactive program guide, a code specifying a data type of a logo graphic to be displayed on a display screen must be included in the program guide information, program guide application, or associated software in order for the logo graphic 219 or 519 to be displayed on the interactive television program guide.

Applicant further argues nowhere in Doc. A/65, Ozkan, or Knudson disclose or suggest the logo graphic is received from the DTV transmitter (page 13, paragraph 2). This argument is respectfully traversed.

Knudson discloses program guide information including program guide data, television program listings (e.g., program identifier, time, channel, descriptions, logo, etc.) and other data for services other than television program listings (e.g., help text, pay per view information, channel information, associated Internet web links, associated software, program guide application, etc.) are distributed to the user television equipment from main facility and/or television distribution facility. These program guide information, program guide applications, and associated software are used to create an interactive television program guide having a channel logo graphic 219, 519 (see include, but are not limited to, col. 3, lines 5-14, col. 4, line 47-col. 5, line 67, col. 8, lines 30-36, col. 9, lines 30-67, col. 11, lines 51-62, figures 6, 8-19; Ellis: col. 2, lines 13-27, col. 3, lines 17-67; Boyer: paragraphs 0052, 0066-0068; Rudnick: figure 4d, page 16, paragraph 3). Therefore, the program guide information, program guide application, associated software and other information, including logo graphic are received by user television equipment from program guide source such as in program guide database or program guide server either in main facility or television distribution facility is read on the logo graphic is received from a digital television (DTV) transmitter.

Rejections on claims 1-3, 5-22, 27 are analyzed below.

Claims 4, 23-26, and 28-32 have been canceled.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-3, 10-17, 19-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2, 10, 19 recite the limitation "said extended information descriptor" in line

2. There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as best understood as -- an extended information descriptor--

Claim 11 recites the limitation "said information expected usage field" in lines --

- 2, There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as best understood as -- an information expected usage field--

claim 12, recites the limitation "said first field" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. This limitation is interpreted as best understood as -- a first field--

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-22, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over "PROGRAM AND SYSTEM INFORMATION PROTOCOL FOR TERRESTRIAL BROADCAST AND CABLE" (hereinafter referred to as Doc. A/65) in view of Knudson et al. (US 6,526,577).

Regarding claim 1, Doc. A/65 discloses a digital television (DTV) receiver configured to receive a digital television signal containing program and system information protocol (PSIP) data, which when received by the DTV receiver causes the DTV receiver to perform the following method:

    parsing an information type descriptor including an information type identification field that contains a code specifying a data type of information associated with content/data to be displayed on a display screen (e.g., short channel name, channel number, service type, etc.), the displayed information (e.g., channel number, short channel name, or service type, etc.) being associated with a broadcaster or a source of an event in a DTV data stream, wherein the information type descriptor further includes

an information description field that contains description data associated with the data type of the displayed information, and wherein the displayed information is received from a digital television (DTV) transmitter (see include, but are not limited to, page 7, page 14 section 6.1-page 42, section 6.8; page 18, section 6.3, pages 74, 77-79 and discussion in the "response to arguments" above);

Doc. A/65 further discloses PSIP tables comprises tables types 0X40 through 0XBF are user defined (outside the scope of this PSIP standard) – pages 9-10; and information in Master Program guide is received and processed by a decoder at a receiver (see include, but are not limited to, pages 21, 75-74). However, Doc. A/65 does not explicitly disclose the information contains code specifying a data type of a **logo graphic** to be displayed on a display screen, the **logo graphic** being associated with a broadcaster or a source of an event in a DTV data stream, the logo graphic is received from a DTV transmitter and, displaying the logo graphic in and EPG using at least one of the data type of the logo graphic and description data associated with the data type of the logo graphic.

Knudson discloses distribution information contains code specifying a data type of a logo graphic to be displayed on a display screen, the logo graphic being associated with a broadcaster or a source of an event in a DTV data stream, the logo graphic is received from a DTV transmitter and, displaying the logo graphic in an EPG using at least one of the data type of the logo graphic and description data associated with the data type of the logo graphic (distributing program guide information including program title, channel graphic logo, program identifier, program guide application, associated



software, etc. containing code specifying a data type of a logo graphic (219, 519) to be displayed on a display screen as interactive program guide, the logo graphic 519, 219 being associated with a channel network such as Fox, KNBC, etc. that provides program/event in a DTV data stream, the program guide information including logo graphic is received from program guide server/program guide database in main facility, in television distribution facility, etc. and displaying the logo graphic 219, 519 in an interactive program guide using program guide data associated with data type of logo graphic 519, 219 received in the program guide information – see figures 6, 8-19, discussion in “Response to Arguments” above; Boyer: figure 17; Rudnick: page 22) .

The combination of A/65 and Knudson (with incorporated by references in their entirety) discloses all elements as recited. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Doc. A/65 in view of Ozkan to incorporate the teaching as taught by Knudson in order to yield predictable results such as to display unique graphic of source, broadcaster, etc. thereby allow user to select desired content/source more accurate.

Regarding claim 2, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 1. Doc. A/65 in view of Knudson further discloses the information type description and the extended information descriptor includes: a descriptor tag field; and a descriptor length segment (e.g. see including, but are not limited to, A/65: page 36 – page 42; Knudson: figures 6,9).

Regarding claim 3, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 2. Doc. A/65 in view of Knudson further discloses the descriptor tag field has a value for the information type descriptor and a value for an extended information descriptor field (see include, but are not limited to, A/65: page 9, section 4.2, page 36-page 42; Knudson: figures 6,9). It would have been obvious to one of ordinary skill in the art to use a value of 0xC9 for the information type descriptor field and a value of 0xC8 for extended information descriptor field in order yield predictable results such as to achieve developer's desire.

Regarding claim 5, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 1. Doc. A/65 in view of Knudson further discloses the code included in the information type identification field characterizes the extra information as one of: an MPEG-formatted video file, an ASCII text file, JPEG formatted image file, or an MPEG formatted audio file, (see including, but are not limited to, A/65: page 10, paragraph 2, page 18, paragraph 6, page 19, last paragraph, page 22, last paragraph, page 24, paragraph 1, page 30, paragraph 5, page 44, page 49, section C1 –page 52, page 70, section D1, page 78).

Regarding claim 6, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 1. Doc. A/65 in view of Knudson further disclosed the information type descriptor includes an information description length field; and an

information description text field (see include, but are not limited to: A/65: page 18, section 6.3, page 24, page 30, section 6.5-page 42, section 6.8).

Regarding claim 7, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 6. Doc. A/65 in view of Knudson further discloses the information description length field identifies a length of the information description text field (e.g. rating description length field identifies a length of rating description text field – A/65: page 37, paragraph 7).

Regarding claim 8, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 6. Doc. A/65 in view of Knudson further discloses the information description text field includes text that characterizes the information associated with the virtual channel or an event in a DTV data stream (e.g. program title, rating, etc. see including, but is not limited to, A/65: page 26 – page 42). Knudson further discloses text that characterizes the logo graphic associated with the broadcaster or the source of the event in the DTV data stream (see figures 5, 9-18).

Regarding claim 9, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 1. Doc. A/65 in view of Knudson further discloses the information type identification field includes code description (e.g. program title, rating, etc.) corresponding to the text description in the information description text field (see include, but are not limited to, A/65: pages 24-42, 70-81).

Regarding claim 10, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 1. Doc. A/65 in view of Knudson further discloses the extended information descriptor further includes an information location length field (PID, channel, source, etc.); and an information location text field (e.g. channel name, program title, rating, etc. – see include, but are not limited to, A/65: pages 24-42, 71-80).

Regarding claim 11, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 1. Doc. A/65 in view of Knudson further discloses logo graphic such as logo graphics for channels are displayed with the program guide, logo graphic for TCI advertisement displayed on the lower right corner, etc. (see include, but are not limited to, Knudson: figures 9-12). It would have been obvious to one of ordinary in the art to incorporate the information expected usage further includes: a second field that describes the logo graphic as being advertisement or not, a third field that describes a location on a display screen where the creator of the extended information descriptor anticipates that a representation of the logo graphic should be position to yield predictable result for a specific logo graphic is displayed at a predetermined position on the screen.

Regarding claim 12, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 1. Doc. A/65 in view of Knudson further discloses the

first field describes the logo graphic as extended event, extended EPG information that is to be displayed during an EPG display when an event is selected (e.g. when the “By channel” is selected, the EPG displayed logo graphics of plurality of channels – see include, but are not limited to: Knudson: figures 5, 9-12); or extended even selected information that is to be displayed when an event is selected (e.g. selected a logo graphic of channel to displayed further information of the program provided on that channel – figure 8).

Regarding claim 13, Doc A/65 in view of Knudson discloses DTV receiver as discussed in the rejection of claim 10. A/65 in view of Knudson further discloses the information location length field identifies a remaining length of the extended information descriptor as determined by the information location text field (further information associated with the program title field, program channel field, web page field, etc. – see include, but are not limited to, A/65: pages 35-41, 72-87, Knudson: figures 9, 12-13, 17-18).

Regarding claim 14, Doc A/65 in view of Knudson discloses a DTV receiver as discussed in the rejection of claim 10. A/65 in view of Knudson further discloses the information location text field includes a string of text that is interpreted as a URL (e.g., link to particular web page or URL of WWW site – see include, but are not limited to: Knudson: figure 20, col. 2, lines 57-67, col. 6, line 66-col. 7, line 11, col. 12, lines 1-18; Boyer: figure 34, paragraph 0013).

Regarding claim 15, Doc A/65 in view of Knudson discloses a DTV receiver as discussed in the rejection of claim 14. A/65 in view of Knudson further disclose the user access Internet website or web page via a link for additional information that is associated with the television program received at the receiver or weather information, etc. (see include, but are not limited to, Knudson: figures 12-21 ). Thus, the URL (e.g., link to website or web page) is a reference to a data program within the DTV data stream or data external to the DTV data stream (e.g., link to webpage, or web site is reference to data program multiplexed and transmitted within the DTV data stream or data received over out of band, or from Internet.

Regarding claim 16, Doc A/65 in view of Knudson discloses a DTV receiver as discussed in the rejection of claim 15. A/65 in view of Knudson further discloses the external data is from the world wide web (WWW) – e.g., Internet – see include, but are not limited to, Knudson: figures 12-21, col. 2, line45-67).

Regarding claim 17, Doc A/65 in view of Knudson discloses a DTV receiver as discussed in the rejection of claim 15. A/65 in view of Knudson further discloses the data is received from Internet via Internet link (Internet – see include, but are not limited to, Knudson: figures 12-21, col. 2, line 45-67) or from the digital data stream (see include, but are not limited to, Knudson: col. 2, lines 45-67, col. 5, lines 24-56). Inherently, the data program within the DTV data stream is referenced with a path

beginning as dtv (e.g., in band digital signal, television channel side band, etc.) or as [http:// www](http://www) or <http://> (e.g., Internet link).

Regarding claim 18, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 1. Doc. A/65 in view of Knudson further discloses a link between an information type descriptor and at least one of a virtual channel table and an event information table (see include, but are not limited to, A/65: page 9, page 11-33).

Regarding claim 19, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 1. Doc. A/65 in view of Knudson further discloses a link between the extended information descriptor segment and virtual channel table (see include, but are not limited to, A/65: pages 9-33).

Regarding claim 20, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 1. Doc. A/65 in view of Knudson further discloses the first field describes the logo graphic as being at least one of: intended to be displayed during a displayed of an EPG (e.g. logo graphics of channels – Knudson: figures 5, 9-12), or intended to be displayed independently of a displaying of an EPG (e.g., logo for TV guide interactive, or logo for advertisement – Knudson: figures 15-16).

Regarding claim 21, Doc A/65 in view of Knudson discloses a DTV receiver as discussed in the rejection of claim 11. A/65 in view of Knudson further discloses the channel logo are displayed at a position on the screen (e.g., lower portion of display screen, see include, but are not limited to, Knudson figures 8-10). It would have been obvious to one of ordinary skill in the art that third field describes the location (position of the objects, logo graphic) as being one of: lower left of quadrant of the display screen, lower right quadrant of the display screen, etc.) to display the logo graphic at desired location.

Regarding claims 22 and 27, the limitations of the method that correspond to the limitations of the DTV receiver in claim 1 are analyzed as discussed with respect to the rejection of claim 1.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Klopfenstein (US 7,024,676 B1) discloses system for acquiring and processing broadcast programs, program guide and channel identification data.

Bruck et al. (US 7,143,428) discloses concurrent viewing of a video programming and of text communications concerning the video programming.



Gagnon et al. (US 6,522,342) discloses graphical tuning bar for a multi program data stream.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/  
Primary Examiner, Art Unit 2623

March 02, 2007